

0.854 gram of arsenic trioxide per 100 cubic centimeters, whereas the pharmacopoeia provides that Fowler's solution, namely, solution of potassium arsenite shall contain in each 100 cubic centimeters not less than 0.975 gram of arsenic trioxide; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof.

With the exception of the Fowler's solution, they were alleged to be adulterated further in that their strength and purity fell below the professed standard and quality under which they were sold, since the tincture of nux vomica was represented to conform to the pharmacopoeial standard and to contain in each 100 cubic centimeters 0.1 gram of strychnine, whereas it was not tincture of nux vomica of the pharmacopoeial standard and each 100 cubic centimeters contained more than 0.1 gram, namely, not less than 0.155 gram of strychnine. The camphorated tincture of opium was represented to conform to the pharmacopoeial standard and to contain in each fluid ounce 1.9 grains of opium, whereas it did not conform to the pharmacopoeial standard and each fluid ounce contained less than 1.9 grains, namely, not more than 1.56 grains of opium. The elixir terpin hydrate and codeine was represented to conform to the formulary standard and to contain in each fluid ounce 1 grain of codeine sulphate, whereas it did not conform to the formulary standard and each fluid ounce contained less than 1 grain, namely, not more than 0.85 grain of codeine sulphate. The elixir triple bromides was represented to contain in each fluid drachm 3 grams each of potassium bromide and ammonium bromide, whereas each fluid drachm contained less than so represented, namely, not more than 2.51 grains of potassium bromide and not more than 2.60 grains of ammonium bromide.

On April 6, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28304. Misbranding of Nod. U. S. v. 264 Boxes of Nod. Default decree of condemnation and destruction. (F. & D. No. 39286. Sample No. 12845-C.)

The labeling of this product contained false and fraudulent curative or therapeutic claims and created the impression that it was a safe remedy for the conditions for which it was recommended, whereas it was not safe but was a dangerous preparation.

On March 29, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 264 boxes of Nod at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 7, 1936, by the Reader Drug Co. from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing $1\frac{1}{2}$ grains of phenobarbital and 2 grains of aminopyrine per tablet.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading in that they created the impression that the article was a safe remedy for the conditions mentioned, whereas it was not but was a dangerous preparation: (Tin box) "The Efficient Nerve Sedative * * * Directions Adult Dose: For Restful Sleep One to two tablets as necessary with Warm Drink," (leaflet) "The Efficient Nerve Sedative Not habit forming—No Narcotics. For the person exhausted by constant loss of sleep. 'Nod' is a Tonic for both Mind and Body. Indications. Insomnia: 1 or 2 tablets as needed, followed by a warm drink will quiet the nervous system, super-inducing a restful nights sleep. Nervousness: $\frac{1}{4}$ of a tablet taken 3 times a day after meals will be found a splendid nerve sedative. Alcoholics: 1 or 2 tablets will calm the nerves and induce a full nights sleep," (display carton) "No more sleepless nights * * * Soothes Tense Nerves * * * The efficient Nerve Sedative Not Habit Forming No Narcotics * * * Induces Sleep Quiets Nerves * * * Contains No Narcotics."

It was alleged to be misbranded further in that the above-quoted statements on the tin box, leaflet, and display carton regarding its curative or therapeutic effects were false and fraudulent. It was alleged to be misbranded further in that the combination of the letters "Nod" borne on the labeling constituted a device regarding its curative or therapeutic effects in that the said combination of letters meant to purchasers that the article was a harmless formula, sure, safe, and non-habit forming; that it would stop all forms of nervousness, restlessness, allowing sleep to come naturally, would soothe tense nerves, make possible a full night's natural sleep; that it was not narcotic and that it would

get back one's sparkle, the said combination of letters having attained such meaning as the result of an advertisement in a Cleveland paper, as follows: "Sleeplessness Overcome Naturally by Harmless Formula Sure, safe, non-habit forming NOD stops all forms of Nervousness, Restlessness, allowing sleep to come naturally. One Tablet soothes Tense Nerves—Makes Possible a full Nights Natural Sleep—no narcotics. Get back your sparkle, be yourself, Try NOD tonight—at all druggists."

On November 5, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28305. Adulteration and misbranding of absorbent cotton. U. S. v. 32 Cartons of Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 39330. Sample No. 27594-C.)

This product was represented to be sterile, whereas it was contaminated with viable aerobic and anaerobic micro-organisms.

On April 7, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cartons of absorbent cotton at West Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 10, 1937, by Seabury, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Physicians and Surgeons Sterilized Absorbent Cotton"; "Fordham Sterilized Products New York."

It was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Sterilized Absorbent Cotton," since it was not sterile but contained viable micro-organisms.

It was alleged to be misbranded in that the statements on the label, "Physicians and Surgeons Sterilized Absorbent Cotton" and "Fordham Sterilized Products," were false and misleading since it was not sterile.

On November 30, 1937, the claimant having withdrawn its appearance, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28306. Misbranding of Leto's for the Gums. U. S. v. 140 Bottles and 20 Bottles of Leto's for the Gums. Decrees of condemnation. Product ordered destroyed. (F. & D. Nos. 40386, 40480. Sample Nos. 39830-C, 39837-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On September 30, 1937, and January 7, 1938, the United States attorneys for the Districts of Colorado and Wyoming, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 140 bottles of Leto's for the Gums at Denver, Colo., and 20 bottles of the same product at Cheyenne, Wyo., consigned by the Leto Remedy Co., from San Antonio, Tex., alleging that the article had been shipped in interstate commerce in part on or about November 24, 1936, and in part on or about April 14, 1937, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted essentially of copper sulphate, a small amount of iodine, and water.

It was alleged to be misbranded in that the following statements borne on the labeling, regarding its curative or therapeutic effects, were false and fraudulent: "A Reliable Application For the Gums To Reduce Soreness—Inflammation * * * Use as directed by dentist, or, in the absence of his advice as follows: 1—Rub gums thoroughly with your finger so as to squeeze all pus out of pockets which form around teeth, and make blood circulate freely in gums.—Wash mouth with warm water. 3—Apply liquid on gums thoroughly with nugget of cotton twice daily. Where pus pockets are deep around teeth, wrap strand of cotton around small end of tooth-pick, dip in medicine and insert as deeply as possible into said pockets. Should any tartar be present on teeth, it is advisable and important to have your dentist remove same. After all pus and bleeding has stopped use medicine once or twice weekly."

On November 15, 1937, no claim having been entered for the product seized at Denver, Colo., it was condemned and ordered destroyed. On February 16, 1938, the Leto Remedy Co., claimant for the lot seized at Cheyenne, having consented to the entry of a decree, judgment of condemnation was entered with